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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3186/2024**

MOHD FIROJ

..... Petitioner

Through: Mr.Sameer Chandra, Mr.Rajesh,
Mr.Sbubham and Mr.Aryan, Advocates

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Aashneet Singh, APP for State with
SI Karan

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **25.04.2024**

CRL.M.A. 12312/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 3186/2024 and CRL.M.A. 12311/2024 (stay)

1. By way of present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of the order dated 28.08.2019 passed by Metropolitan Magistrate-01, Patiala House Courts, New Delhi in SC No.340/2022 arising out of the FIR No.359/2015 registered under Sections 308/34 IPC at P.S. Connaught Place whereby the petitioner has been declared proclaimed offender.
2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR as an accused and was arrayed accused only in the



chargesheet. He submits that the petitioner was not aware of the proceedings pending before it.

3. On merits, learned counsel for the petitioner invites the attention of the Court to the proceedings dated 28.08.2019 when the statement of the process server was recorded. He submits that the process server has clearly stated that when he went to execute the process at *C-195, C-Block, Near Master Place Sainik Nagar, Uttam Nagar, New Delhi* he met one *Mr.Anil* and *Ms.Sushila* and *Vikas Singhal* who identified themselves as landlord and tenant. They stated that the petitioner was residing as a tenant and had left the address four years back. He submits that despite coming to know of the said fact, the proclamation was carried out at the said premises only. He submits that no efforts were made to trace the petitioner. He submits that the petitioner undertakes to surrender on 03.05.2024 i.e., the next date of hearing before the trial court and avail remedies that may be available to him under the law.

4. Subject to the petitioner submitting himself to the process of the trial on or before 03.05.2024, the proceedings under Section 82 Cr.P.C. are set aside.

5. In view of the above, the petition is disposed of alongwith the pending application.

MANOJ KUMAR OHRI, J

APRIL 25, 2024

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